



# **Right to request time to train for employees in Scotland**

The UNISON Scotland Submission to the  
Consultation on the Right to Request Time to Train  
for Employees in Scotland

October 2008

## **Introduction**

UNISON Scotland welcomes the opportunity to respond to the Scottish Government Consultation on the *Right to Request Time to Train For Employees in Scotland*. UNISON is Scotland's largest public sector trade union representing over 160,000 members. UNISON supports the proposal to give employees the right to request time off to train and employers a statutory duty to consider the request.

## **Response**

UNISON supports any moves that will give employees improved access to training. In particular, this right will benefit those who missed gaining qualifications earlier in their lives allowing them to access better chances of career development and increased earnings in the long term. A right to request training is though not a right to training. The consultation paper contends that the right to request flexible working has "stimulated a real change in cultural attitudes to flexible working, and a real increase in flexible working arrangements." They then suggest that this will be also true for the proposed right to ask for time off to train. UNISON's own research indicates there is little evidence to support this claim that there has been a real change. We therefore believe that a right to training would be more effective. UNISON does however support this proposal as a step in the right direction.

## **Section 1: Your details**

**Please tick *one* box which best describes you as a respondent?**

Trade Union

## **Section 3: General Questions**

**2. Do you think the right to request time to train should cover:**

Any training that the individual and the employer agree

***Please explain or comment on your answer in the box below***

See further comments section

**3. For which of the following reasons do you think an employer should be able to reject a request for time to train?**

The reasons for rejecting a request for time off for training should be limited to business productivity and performance, availability of suitable training and unreasonable problems in finding staff cover.

*Please explain or comment on your answers to this question in the box below*

**4. Are there any other reasons you think employers should be able to cite in rejecting a request for time to train?**

No

**5. Are there any circumstances in which an employer should be able to withdraw their support for an individual's time to train where they had previously granted a request?**

No

*Please give details in the box below*

If the right is to have any impact it must be protected from employers withdrawing support.

**6. Do you think any employers should be exempted from the right to request time to train?**

No employer should be exempted from the right to request. See further comments

**7. If you answered yes to question 6, which employers do you think should be exempt?**

N/A

**8. If you are an employee and had a formal right to request time to train, would you be more likely approach your employer about your training needs than you are now?**

N/A

**9. If you are an employer and a statutory right to request time to train was introduced would this change your behaviour in terms of giving your staff time off to train?**

N/A

## All respondents

*Please use the box below for any other comments you wish to make about the proposed right to request time to train.*

UNISON Scotland supports the right to request time off for training but would like to make the following key points:

UNISON would prefer the extension of this right to be a right to the training rather than a right to request. The consultation paper suggests that a right to ask is enough to increase access to training. UNISON is currently undertaking research on up employers allowing flexible working following the introduction of a right to ask in this area. The preliminary data indicates there is little evidence to support this claim. Earlier UNISON research from 2006 found that only just over half of public sector workplaces offered flexi-time or job sharing and less than a third term time working. A third of members felt that their managers were not committed to helping them achieve a work life balance. We therefore believe that a right to training would be more effective. UNISON does however, support this proposal as a step in the right direction.

There is a demand from workers for more training. Recent research (YouGov Sept 2008) indicates that 70 per cent of people working in Scotland would support the introduction of this right and over half of those surveyed said they would wish to take up this right.

The proposal makes many references to the existing right to request flexible working but this is a very different right. Employers will benefit directly from the enhanced skills of their staff. It is therefore not clear why employers would need a range of exemptions/ protections. What is proposed is better-trained and more productive staff. A better trained/educated workforce has clear and direct business benefits. This will also benefit the wider Scottish economy in the long term building a higher skills base for the whole country.

Training of staff is an investment not a cost to business. The benefits of training will impact across the workplace. Employees will be more productive. They will be able to share their new skills with colleagues. There will also be the opportunity to “collectivise” training through organising events for groups of staff or through individuals testing out courses for suitability before others undertake the training. This will also reduce the costs of training.

The right to request training should be part of a process where an employer helps a member of staff develop their request with support from training managers, HR staff, Union Learning Representatives. The range of funding and training options are explored and all parties develop and understanding of the skills needs of the business/employer and the training needs of staff.

Employers should only be able to refuse the request for training

- If the training sought is unlikely to make the work more productive in the short or long term
- If the type of training is not available even with reasonable adjustments to work models or different models of delivering the training

- The costs of training, even after considering additional funding options, is demonstrably prohibitive.
- It would cause demonstrably unreasonable difficulties to reorganise work to meet the request, in terms of customer demand, recruiting additional staff for cover or impact on performance.

## **Eligibility**

While UNISON accepts that there should be a reasonable period of prior continuous employment, there is no reason why this needs to be as long as 26 weeks. New staff should be undergoing some form of induction and job training from day one. Following on from this the new right could form a stimulus for discussion about new staff's ongoing training and development needs, enhancing staff skills and helping retention. Three months (or 13 weeks) is an appropriate time to look at these needs and is therefore an appropriate qualifying period. This is very different from the right to request flexible working and there is no reason to have the same qualifying period as that for flexible working requests.

All employees regardless of who they work for should have access to this right. There should be no exemptions for small employers. There is evidence that that they are the least likely to offer training and it is therefore these workers who need this right the most. If the reason for this bill is to improve the skills base of Scottish workers then exempting those least likely to provide training will mean that its aim will not be achieved. For the same reason agency workers should also have this right

It is important that any new right is available to all staff. This includes people of all levels in an organisation and needs proper equality proofing to ensure that those people who all ready experience workplace discrimination like women, ethnic minorities and people with disabilities gain access to it. Organisations will need to monitor who is getting access to training.

## **Right of Appeal**

UNISON believes that for this to be an effective right there needs to be an appeals process as in the flexible working process.

## **Role of Unions**

UNISON is pleased that the consultation recognises the importance of the role of Union Learning Representatives (URLs). We particularly welcome the proposal that URLs will be able to accompany staff to meetings to discuss the right to time off for training. URLs have a wider role in supporting people to recognise that they can benefit from training and have the ability to undertake new training. Many low skilled and low paid workers had bad experiences at school that have left them lacking the confidence to undertake training. They also have less opportunity to undertake in-work training because of occupational status. The new right should build on their success by including new rights for URLs enabling them to work more effectively with staff and employers. This should include the time and facilities to undertake their role including wider support for requests for time off for training.

## **Types of training**

UNISON believes that the training covered should be as wide as possible. It should help workers to not only improve in their current post but also support them to progress their careers. This will support both the worker and the organisation in the medium to long term. The definition must therefore include development learning. In order to protect the lowest paid and unqualified staff it is vital that this type of training is included in a right to request. Some staff may need specific development opportunities before they are able to undertake skills training specific to their post. For example, an employer may wish an employee to undertake spreadsheet training but employees lacking in computer skills may need a basic computer skills course before they can undertake the job specific training. Others may need basic literacy support before they can undertake training courses.

## **Cost of training**

A key barrier to individuals taking up training is cost; both of the training and lost earnings. Paid time off, particularly for low paid workers is the best way to support people who wish to improve their skills. Support in paying course fees is also a key way to encourage uptake of training. The level of support should be determined by how the training relates to a particular job and what other financial support is available.

Employers should fund specific job related training. In term of broader personal development then employers could agree to share costs in terms of time off and fees.

Skills Development Scotland should have a central role in support of this process highlighting the availability of training and development opportunities and funding support available.

## **Equalities**

The consultation makes no mention of equalities. Many people experience both direct and indirect discrimination in their workplaces and access to training and development is no exception. In order to ensure equal access there has to be monitoring of who gets access to training in terms of gender ethnicity and grade/education level. The public sector should set best practice as an employer in both offering time off for training and monitoring access to this right.

## Conclusion

UNISON supports the principle of the *Right to Request Time off for Training* as a first step towards a right to time off for training. UNISON believes that the reasons for employers to refuse this right should be very limited. The qualifying period should be 13 weeks not 26. The Government as an employer in Scotland must take the lead and demonstrate best practice in both offering in house training and allowing staff time off. Equality of access to this right is vital and there must be monitoring of access to the right and action taken if discrimination is taking place.

### **For further information, please contact:**

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